

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THOMAS BURKO,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting Commissioner  
of Social Security,

Defendant.

Case No. C13-949-RSM-BAT

**REPORT AND  
RECOMMENDATION**

Thomas Burko seeks review of the denial of his Disability Insurance Benefits and Supplemental Security Income Benefits applications. Dkt. 3. The parties stipulate the case should be **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 20. Upon remand, the Administrative Law Judge should provide the claimant with an opportunity to submit additional evidence; re-evaluate the claimant's mental impairments pursuant to the special technique in 20 CFR §§ 404.1520a and 416.920a; if warranted and available, obtain medical expert testimony regarding the nature and severity of the claimant's mental impairments; reconsider the claimant's residual functional capacity, and in so doing, further evaluate the opinion evidence from Dr. Wilkinson; seek supplemental vocational expert testimony, if warranted, to determine whether there are a significant number of jobs in the national economy that the claimant can perform; and give the

1 claimant an opportunity for a hearing.

2 The ALJ will make a de novo determination as to disability, and issue a new decision.

3 Upon proper application, plaintiff shall be eligible for attorneys' fees under the Equal  
4 Access to Justice Act, 24 U.S.C. § 2412 et seq.

5 Because the parties have stipulated the case be remanded as set forth above, the Court  
6 recommends United States District Judge Ricardo S. Martinez immediately approve this Report  
7 and Recommendation and order the case **REVERSED** and **REMANDED** for further  
8 administrative proceedings. A proposed order accompanies this Report and Recommendation.

9 DATED this 13th day of November, 2013.

10  
11 /S/ JAMES P. DONOHUE for  
12 BRIAN A. TSUCHIDA  
13 United States Magistrate Judge  
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